

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS**

**MARK S. SMITH, JR.,**

**Plaintiff,**

**v.**

**No. 09-CV-1064-DRH-DGW**

**WACKER NEUSON CORPORATION  
and WACKER NEUSON SE,**

**Defendants.**

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**WACKER NEUSON CORPORATION  
and WACKER NEUSON SE,**

**Third-Party Plaintiffs,**

**v.**

**FONTANA CONTRACTING COMPANY  
and WESCON PRODUCTS COMPANY,  
a subsidiary of Latshaw Enterprises, Inc.,**

**Third-Party Defendants.**

**ORDER**

Now before the Court is Fontana Contracting Company's August 8, 2011 motion for good faith finding (Doc. 80). Based on the reasons stated in the motion, the Court grants the motion.

IT IS HEREBY ORDERED that the Settlement Agreement by and between plaintiff Mark S. Smith, Jr. and third-party defendant Fontana Contracting Company constitutes a good faith settlement and any and all cause of actions premised upon contribution or negligence or otherwise against third-party defendant Fontana

Contracting Company whether now pending including, but not limited to, the Third-Party Complaint filed by Wacker Neuson or which may be filed in the future are dismissed with prejudice and are extinguished.

**Dated this 29th day of August, 2011.**

*David R. Herndon*



Digitally signed by  
David R. Herndon  
Date: 2011.08.29  
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**Chief Judge  
United States District Court**